

82.(New) The method of claim 55, wherein the voids of the second porous oxycarbide glass dielectric layer are uniformly distributed.

83. (New) The method of claim 55, wherein the first porous oxycarbide glass dielectric layer has a dielectric constant less than approximately 2.0.

### REMARKS

Claims 54, 55, 58, 59, 64, 74, and 79 are amended, claim 78 is canceled, and claims 81-83 are added; as a result, claims 49-77 and 79-83 are now pending in this application.

#### Double Patenting Rejection

Claims 49-80 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-28 of U.S. Patent No. 6,350,704. Applicant will consider filing a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(b)(iv) once the claims are otherwise allowable.

#### §103 Rejection of the Claims

Claims 54, 57, 59-76, and 78-80 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Singh et al. in view of Gnade et al. (U.S. Pat. No. 5,470,802). Applicant respectfully traverses.

Claims 54, 59 and 64 are amended to clarify the features of the claims. Specifically, each claim includes a transforming step that forms a layer having a dielectric constant less than approximately 2.0. Withdrawal of the rejection of claims 54, 59, and 64, and their dependent claims is requested.

With respect to claim 69, applicant submits that Singh and Gnade do not teach or suggest all of the features of this claim. For example, applicant can not find where Singh or Gnade, either alone or in combination, teach transforming the mixture of oxide and carbon sources into a silicon oxycarbide having uniformly distributed voids that have an approximate diameter of 200 angstroms. As, the applied references do not teach all of the features of claim 69, applicant

requests that the rejection thereof and claims 70-73 depending therefrom be withdrawn.

Claims 74 and 79 are amended to clarify the feature of transforming the mixture of oxide and carbon to have a dielectric constant less than approximately 2.0. Applicant can not find this feature in either Singh or Gnade, either alone or in combination. Withdrawal of the rejection of claims 74 and 79 and their dependent claims is requested.

With respect to claim 80, applicant submits that Singh and Gnade do not teach or suggest all of the features of this claim. For example, applicant can not find where Singh or Gnade, either alone or in combination teach transforming the mixture of oxide and carbon sources into a silicon oxycarbide having uniformly distributed voids that have an approximate diameter of 200 angstroms. As the applied references do not teach all of the features of claim 80, applicant requests that the rejection thereof be withdrawn.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612- 349-9587) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

KIE Y. AHN ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

(612) 349-9587

Date

5 Sept 2002

By

  
Timothy B. Clise

Reg. No. 40,957

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 5th day of September, 2002.

Name

Amy Moriarty

Signature

Amy Moriarty